

Notice of Meeting



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admin@pingelly.wa.gov.au

Dear Elected Member

The next Ordinary meeting of the Shire of Pingelly will be held on 16 October 2019 in the Council Chambers, 17 Queen Street, Pingelly commencing at 2.00pm.

Schedule

2pm Council Meeting

A handwritten signature in black ink, appearing to read 'Julie Burton'.

Julie Burton
Chief Executive Officer

11 October 2019

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Pingelly for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Pingelly disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Pingelly during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Pingelly. The Shire of Pingelly warns that anyone who has an application lodged with the Shire of Pingelly must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Pingelly in respect of the application.

AGENDA

Shire of Pingelly
Ordinary Council Meeting
16 October 2019

MISSION STATEMENT

To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.

DISCLAIMER

INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

Julie Burton
Chief Executive Officer

COUNCIL MEETING INFORMATION NOTES

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the Local Government Act 1995 to allow fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas are made available to Councillors within the requirements of the Local Government Act 1995 seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

Agendas for Ordinary Meetings are available in the Shire of Pingelly Office and on the website seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Pingelly Office and the Shire of Pingelly website within ten (10) working days after the Meeting.

NOTE:

Unopposed Business

Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it.

A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

PUBLIC QUESTION TIME INFORMATION

The Shire of Pingelly welcomes community participation during public question time and this document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

1. A member of the public who raises a question during question time must:
 - a. be in attendance at the meeting;
 - b. first state their name and address;
 - c. direct the question to the Presiding Member;
 - d. ask the question briefly and concisely;
 - e. limit any preamble to matters directly relevant to the question; and
 - f. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question;
 - g. each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions;
 - h. where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled;
 - i. where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member;
 - j. where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting;
 - k. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

The following is a guide to assist you on the process of Public Question Time. You can submit questions using the form attached, or by e-mail to admin@pingelly.wa.gov.au.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the question(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.

1. This is a "question" time only. Orations, explanations or statements of belief will not be accepted or allowed.
2. Questions must relate to a matter affecting the Shire of Pingelly.
3. Questions must be appropriate and made in good faith. Those containing defamatory remarks, offensive language or question the competency or personal affairs of council members or employees may be ruled inappropriate by the Shire President or Presiding Member and therefore not considered.
4. Frame your question so that it is both precise and yet fully understood. Long questions covering a multitude of subjects are easily misunderstood and can result in poor replies being given.
5. Write your question down on the attached form, it helps you to express the question clearly and provides staff with an accurate record of exactly what you want to know.
6. When the Shire President calls for any questions from the public, stand up and wait until you are acknowledged and invited to speak. Please start by giving your name and address first, and then ask the question.
7. Questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.
8. The question time will be very early in the meeting. **There is only 15 minutes available for Question Time.** The extension of public question time beyond 15 minutes would require a Council resolution. Questions not asked may still be submitted to the meeting and will be responded to by mail.
9. When you have put your question, await the reply. If possible, the Shire President will answer directly or invite a staff member with special knowledge to answer in his place. Complex questions that require research, may be Taken on Notice by the Shire President and an answer will be forwarded to you in writing. Please note in NO circumstances, will the question be debated or discussed by Council at that meeting.
10. To maximise public participation only three questions per person with a time limit of 2 minutes per person unless extra time is granted by the presiding person.
11. To fill out the form, just enter your name and address in the appropriate areas together with details of any group you are representing, then write out your question.
12. Please ensure your form is submitted to the meeting secretary by 1.45pm.

If you have difficulty in writing the question, Shire staff are available on request to assist in this task.

SHIRE OF PINGELLY QUESTIONS FROM THE PUBLIC

Name: _____

Residential Address: _____

Phone Number: _____ Meeting Date: _____

Signature: _____

Council Agenda Item Number: _____

If applicable-see below*

Name of Organisation Representing: _____

If applicable

QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Agenda Forum, they are to relate to the Agenda Item tabled at that meeting.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.

Please see Notes on Public Question Time overleaf

* **Agenda Forums:** Questions can only be addressed where they relate to an Agenda Item.

* **Council Meetings:** Questions are to relate to a matter affecting the Shire of Pingelly.

SHIRE OF PINGELLY

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

16 October 2019

(Print Name)

(Signature)

(Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9887 1066 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM NO	PAGE NO	TYPE	REASON

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Chief Executive Officer, Shire of Pingelly

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations* and Regulation 11 of the *Local Government (Rules of Conduct) Regulations*, I advise you that I declare a appropriate box):

financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —
(a) change to a planning scheme affecting land that adjoins the person's land;
(b) change to the zoning or use of land that adjoins the person's land; or
(c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

interest affecting impartiality (Regulation 11). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association but does not include a financial or proximity interest as referred to in section 5.60.

SHIRE OF PINGELLY

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 16 October 2019 – commencing at 2.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past and present.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Nil.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. DISCLOSURES OF INTEREST

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting – 18 September 2019

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 18 September 2019 be confirmed with the following alteration:

In item 16.2 Dual Fire Control Officer Appointment – Shire of Brookton, the name listed was Rod Evans and it should read Ross Evans.

Moved: _____ Seconded: _____

9.2 Special Council Meeting – 9 October 2019 – Selection of Date for Extraordinary Election

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 9 October 2019 be confirmed.

Moved: _____ Seconded: _____

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

Audit Committee	Full Council
Recreation & Cultural Committee	Member – Shire President Deputy – Deputy President
Bushfire Advisory Committee	Member – Cr Freebairn Deputy – Cr Hotham
Chief Executive Officer Performance Review Committee	Member – Shire President Member – Deputy President Member – Cr Hodges

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

Central Country Zone of WALGA	Delegate – Shire President Delegate – Deputy President Deputy – Cr Wood
Hotham-Dale Regional Road Sub-Group	Delegate – Shire President Deputy – Cr McBurney
Development Assessment Panel	Delegate – Cr Mulroney Delegate – Cr Freebairn Deputy – Cr Hodges Deputy – Cr Wood
Pingelly Tourism Group	Delegate – Cr McBurney Deputy – Cr Freebairn
Regional Waste Group	Delegate – Cr Mulroney Deputy – Cr Wood
Shires of Pingelly and Wandering Joint Local Emergency Management Committee	Delegate – Shire President Deputy – Cr Hodges
Youth Focus Group	Delegate – Cr Walton-Hassell Delegate – Cr Hastings Deputy – Cr McBurney
Pingelly Somerset Alliance	Delegate – Shire President Deputy – Cr McBurney
Pingelly Early Years Network	Delegate – Cr Hastings
Pingelly Community Wellbeing Group	Delegate – Cr Walton-Hassell

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

Meetings attended September

- 19th PRACC Board meeting
- 24th President and CEO meeting- Council matters
- 26th Opening of new bowling green

Meetings attended October

- 1st Meeting with CEO and CEO review committee - Re KRAs
- 2nd Sundowner for Works Supervisor leaving Shire workforce
- 3rd Regional Road Group Meeting Wickepin - Wheatbelt Secondary Grain Freight Network - endorse the WSFN committee to commence the development of an agreement that will formalise the commitment of the 42 local governments to enable them to be eligible for future funding and projects consideration
- 9th Special Council Meeting - to set the date for the extraordinary election to fill the vacancy that was not filled when nominations closed in September 2019
- 9th Agenda Briefing
- 9th Pingelly Somerset Alliance AGM
- 10th Unveiling of Plaque to recognise the members of the focus group that were in collaboration with Council in the designing and construction of the PRACC

14 OFFICE OF THE CHIEF EXECUTIVE OFFICER

Recommendation:

That item 14.3 from the Ordinary Council meeting on 18 September 2019 be lifted from the table.

Moved: _____ Seconded: _____

14.1 Application for Rating Exemption – Pingelly Somerset Alliance

File Reference: ADM0309
Location: Admin
Applicant: Pingelly Somerset Alliance
Author: Chief Executive Officer
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council is requested to consider an application for the exemption of rates with respect to a total of 4 units, at Lots 602 and 603 Sharow Street Pingelly, from 1 July 2020.

Background

An application has been received from the Pingelly Somerset Alliance (PSA) for an exemption from rates, from 1 July 2020, for 4 residential units on 2 parcels of land. These properties were the subject of a Joint Venture Agreement (JVA) which was entered into in 2008 between the Department of Communities and the Shire of Pingelly. The JVA was entered into for the purposes of providing residential rental accommodation for persons meeting the Department of Communities eligibility criteria for public rental housing. In July 2019, a Deed of Novation was signed, which transferred the Shire's legal and equitable interests in the Land and the JVA to Pingelly Somerset Alliance. In the event of the PSA failing to perform their obligations under the Deed of Novation, the legal and equitable interest will revert to the Shire, and the purpose of the provision of rental accommodation will continue.

Council has the discretion to exempt properties from rates, where land is used exclusively for charitable purposes, under section 6.26(g) of the Local Government Act 1995 (the Act). Section 6.26(2)(g) of the Act states that land used exclusively for charitable purposes is not rateable land. The Department of Local Government and Communities provides the following advice regarding the definition of "charitable purposes": Land will be exempt from rates if a council is satisfied that it is used exclusively for a charitable purpose. Historically, there are four categories of charitable purpose:

- The relief of poverty;
- The advancement of education;
- The advancement of religion; and
- Other purposes considered beneficial to the community.

To meet the criteria for a rates exemption, two requirements must be fulfilled;

1. The land must be used for a charitable purpose.

In addition to the charitable purposes listed above, there must be a benefit to the general community for the purpose to meet the eligibility criteria.

2. The use must be exclusively be used for this purpose.

If land is used for a dual purpose, it is not exclusively used for a charitable purpose, even though one of the purposes may be charitable. Nor will land be used exclusively for a charitable purpose where the land is used for the purpose of a business enterprise which is raising funds to be used for charitable purposes. The use of land for a charitable purpose may produce a 'profit' which is incidental to its charitable purpose. In this case the land may still be considered as 'exclusively used' for a charitable purpose.

In the instance where a local government refuses a rates exemption application, the applicant can challenge this decision in the State Administrative Tribunal. If approval is subsequently granted, the Council must apply a non rateable status for that property, to the extent of the decision.

Comment

The PSA is a not-for-profit organisation which primarily exists to provide age/disability friendly housing units. The determination of eligibility for a rating exemption is not on ownership, but on the use of the land. The key matter to be determined is whether the land is being used exclusively for charitable purposes as required by Section 6.26 (2) (g) of the Local Government Act.

The PSA, must utilise the properties for the purposes outlined in the JVA. In September 2019, the Department of Communities provided confirmation that the eligible persons defined in the JVA can be extended to include aged persons. The PSA have subsequently confirmed that they intend to offer the units exclusively in accordance with their constitution, that is, to provide age/disability friendly housing.

Utilisation of the properties for the purpose of providing residential housing for persons who meet the Department of Housing eligibility criteria for public rental housing would be considered a residential rather than charitable purpose, and in that case the criteria for a rates exemption is not met. Given the PSA has confirmed the exclusive use for aged/disability, the criteria for a rates exemption is satisfied, and the properties are deemed to be exempt from rates under the Local Government Act.

Consultation

Pingelly Somerset Alliance
Western Australian Local Government Association

Statutory Environment

Section 6.26(2)(g) of the Local Government Act 1995 states that land used exclusively for charitable purposes is not rateable land. The Charities Act 2013 sets out a list of 'charitable purposes'.

Policy Implications

Nil

Financial Implications

As the application is for a rates exemption from 1 July 2020, there will be no effect on the current budget.

Strategic Implications

Nil

Risk Implications

Risk	There is a risk that if Council does not approve this exemption, the applicant can take the matter to the State Administrative Tribunal and apply to have Council’s decision overturned.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Absolute Majority

Recommendation

That Council approves the application for an exemption from rates for the properties at Lot 602 and Lot 603 Sharow Street Pingelly, from 1 July 2020.

Moved: _____ Seconded: _____

14.2 Chief Executive Officer – Performance Targets

File Reference:	0005
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Attachment 1 (following red sheet in Attachment Booklet)
Previous Reference:	Nil

Summary

Council is requested to endorse the Chief Executive Officer's Key Performance Indicators for the 9 months ending 31 July 2020.

Background

As a part of the development of the contract of employment for the Chief Executive Officer, agreement on KPI's for the first 9 months is required within the first 3 months of employment. Council is also required to review the performance of the Chief Executive Officer on an annual basis in accordance with Section 5.38 of the Local Government Act 1995.

Comment

An informal discussion has been held with the members of the Chief Executive Officer Performance Review Committee, with the draft Performance Indicators for the 9 months commencing 1 November 2019 being formulated. These indicators span a range of governance, staffing community and economic development areas, and are outlined in Attachment 1.

Consultation

Nil

Statutory Environment

Local Government Act 1995, Section 5.38. Annual review of employees' performance.

- 1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.

Policy Implications

Nil

Financial Implications

There are no additional financial resources required as a result of setting the Key Performance Indicators, however, there may be a need to reallocate resources from some projects that can be carried out through internal resources, to support the achievement of other KPI's that will need external support and where there is no budget.

Strategic Implications

Strategic Community Plan Goal 5: Innovation, Leadership and Governance

Risk Implications

Risk	The key risk is in relation to non achievement of the stated key performance indicators, due to lack of financial and workforce resources, or an inability to control an outcome, such as where other levels of government are involved.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	A careful assessment of financial and workforce resources will be undertaken to ensure achievement of the key actions. This may result in a recommendation to reallocate funds at Budget Review in February 2020.

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

Recommendation

That Council adopts the CEO Performance Targets for the year ending 31 July 2020 as included in Attachment 1.

Moved: _____ Seconded: _____

14.3 Tender – Provision of Medical Services

File Reference: ADM0297
Location: Not Applicable
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council is requested to approve the advertising of a Request for Tender for the provision of medical services to the Shire of Pingelly.

Background

In December 2018, Council approved a three year contract, backdated to 1 May 2018, between the Shire of Pingelly and Agape Ventures Pty Ltd.

In order to plan for the long term, it is proposed to go out to tender to determine the provision of medical services from 1 May 2021 to 30 April 2028.

A tender is required to be called where the consideration under the contract is, or is expected to be, more than \$150,000.

Comment

Under the Local Government Act 1955 and the Local Government (Functions and General) Regulations 1996, prior to advertising a Request for Tender, Council is required to determine the criteria which will decide which tender should be accepted.

To determine the most advantageous Tender, the Evaluation Panel will score each Tenderer against the criteria detailed below. Each criterion will be weighted to indicate the Principal's relative degree of importance.

Description of Criteria	Weighting
a) Price	40%
b) Technical and physical capacity	20%
c) Level of service proposed	20%
d) Demonstrated understanding of the medical service requirements, as relevant to regional communities	20%

The criteria and weightings have been formulated to achieve an outcome that will represent value for money, while providing an effective service to the community.

Consultation

Shire Auditors
Western Australian Local Government Association
Agape Ventures Pty Ltd

Statutory Environment

Section 3.57 of the Act and Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996 specifies the procedures relating to tenders.

Policy Implications

Nil

Financial Implications

There are no short term financial implications by calling for tenders. Provision will need to be made in the Shire’s Long Term Financial Plan for this service.

Strategic Implications

Strategic Community Plan Goal 5: Community

Corporate Business Plan: 2.1.1 Continue to support the development of and access to, core aged care and health services and facilities.

Risk Implications

Risk	The level of legislative risk to Council is minimal if the requirements of the Act and Regulations are complied with. A greater risk is around the lack of ability to negotiate a contract for medical services in the long term for the community.
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Legislative / Reputational
Risk Action Plan (Controls or Treatment Proposed)	Tender processes will be followed to ensure compliance with legislation.

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

Recommendation

That Council:

1. approves the advertising of a Request for Tender for the Provision of Medical Services to the Shire of Pingelly for a period of 7 years, commencing 1 May 2021 ; and
2. endorses the tender assessment criteria as:
 - a) Price 40%
 - b) Technical and physical capacity 20%
 - c) Level of service proposed 20%
 - d) Demonstrated understanding of the medical service requirements, as relevant to regional communities 20%.

Moved: _____ Seconded: _____

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Accounts Paid by Authority – September 2019

File Reference:	ADM0066
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	List of Accounts (Attachment 2 following orange sheet in separate attachments booklet)
Previous Reference:	Nil

Summary

Council endorsement is required for accounts made by authority for the month of September 2019.

Comment

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2019/20 Budget.

Consultation

Nil

Statutory Environment

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications

There are no policy implications arising from this amendment.

Financial Implications

There are no known financial implications upon either the Council’s current budget or long term financial plan.

Strategic Implications

There are no known significant strategic implications relating to the report.

Risk Implications

Risk	Failure to present a detailed listing of payments in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

Recommendation

That Council endorse the Accounts for Payments for September 2019 as presented:

SEPTEMBER 2019	
MUNI - 117984856	
EFT 6304 - 6384	\$247,599.86
CHEQUE 24702 - 24709	\$20,651.25
TRUST ACCOUNTS	
DEPT OF TRANSPORT – DD10795.1 – DD10850.1	\$24,644.55
TRUST FUND – 1959 - 1962	\$500.00
DIRECT DEBIT -	
DD10790.1 – DD10814.5 & EFT6307 – EFT6356 – Pay and Super	\$16,887.02
CREDIT CARDS	
DD10824.1 – DD10824.1	\$1,917.34
GRAND TOTAL	\$312,200.02
Notification	Explanation
Nil	N/A

Moved: _____ Seconded: _____

16. DIRECTORATE OF TECHNICAL SERVICES

Nil.

17. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

18. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

19. CLOSURE OF MEETING

The Chairman to declare the meeting closed.